

United States Bankruptcy Court
Eastern District of Virginia
Alexandria Division

In Re:
Young Sil Koh
Debtor

BCN#: 22-10173-KHK
Chapter: 13

DEUTSCHE BANK NATIONAL TRUST
COMPANY, as Trustee for MORGAN
STANLEY MORTGAGE LOAN TRUST
2004-11AR, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES
2004-11AR

Movant/Secured Creditor,

v.

Young Sil Koh
Debtor

Young Ki Yun
Co-Debtor

and

Thomas P. Gorman
Trustee
Respondents

Order Granting-Relief In Rem Relief Stays of 11 U.S.C. Section 362(a)

and 11 U.S.C. Section 1301(a)

This Matter came on to be heard on the 17th day of March, 2022, upon the Motion of the Movant for relief from the automatic stay of 11 U.S.C. Section 362(a), as well as from the Co-Debtor Stay of 11 U.S.C. Section 1301 (a), and for an equitable servitude to be created so that the automatic stays of 11 U.S.C. Section 362(a) and 11 U.S.C. Section 1301 (a) will not attach to the subject property in the event of any future bankruptcy filings by the Debtor, the Co-

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20-287195

Debtor, or any other person or entity, and shall not prevent the Movant from enforcing its security interest in the subject property, and was argued by counsel; and

It appearing to the Court that the Debtor did not file a response to the Movant's Motion, and filed his petition in this case in "bad faith" pursuant to the provisions of 11 U.S.C. Section 362 (d)(4)(B), as evidenced by the sixteen bankruptcy filings of the debtor and codebtor from 2007 to present.

It is, hereby, ADJUDGED, ORDERED and DECREED that the automatic stays imposed by 11 U.S.C. §362 and 11 U.S.C. Section 1301(a) are hereby LIFTED so as to permit the Movant, and its successors and assigns, to enforce the lien of its deed of trust as it pertains to the real property located at 6204 Otter Run Rd, Clifton, VA 20124, and is more particularly described as follows:

Lot 73, Section 47, LITTLE ROCKY RUN, as the same appears duly dedicated, platted and recorded in Deed Book 6414 at page 1049, among the land records of FAIRFAX County, Virginia.

which relief shall extend to the purchaser at the foreclosure sale to allow the purchaser to take such action under Virginia State Law as may be necessary to obtain possession of the property; and

It is, further, ADJUDGED, ORDERED and DECREED that an equitable servitude shall attach to the above-described property for a period of Two (2) Years from the date of the entry of this Order, so that the automatic stays of 11 U.S.C. Section 362 (a) and 11 U.S. C. Section 1301(a) shall not affect the above-described property in the event of a future bankruptcy filing by either the Debtor, the Co-Debtor, or any other person or entity during said Two (2) Year Period, and shall not create any automatic stays which would prevent the Movant from the enforcement of its security interest against the above-described property.

Date Apr 5 2022

/s/ Klinette H Kindred

The Honorable Klinette H. Kindred
United States Bankruptcy Judge

Notice of Judgment or

Order Entered on Docket April 5, 2022

I ask for this:

/s/ Mary F. Balthasar Lake

Gregory N. Britto, Esquire
William M. Savage, Esquire
Malcolm B. Savage, III, Esquire
Mary F. Balthasar Lake, Esquire
Counsel for Movant

Copy to:

Movant

Thomas P. Gorman
300 N. Washington St. Ste. 400
Alexandria, VA 22314

Chapter 13 Trustee

Copy Mailed to:

Young Sil Koh
6204 Otter Run Rd
Clifton, VA 20124

Debtor(s)

Young Ki Yun
6204 Otter Run Rd
Clifton, VA 20124

Co-Debtor(s)

CERTIFICATION

Pursuant to Local Rule 9022-1(C), I hereby certify that all necessary parties have endorsed the above order.

/s/ Mary F. Balthasar Lake

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William M. Savage, Esquire
Malcolm B. Savage, III, Esquire
Mary F. Balthasar Lake, Esquire

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